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COMMISSION ON HUMAN RIGHTS
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Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[2 August 1995]

1. Pax Romana is deeply concerned about the situation of human rights in East Timor, since neither the Commission on Human Rights nor its Sub-Commission have issued any resolution directly condemning Indonesia for the mass violations of human rights in East Timor.

2. In paragraph 4 of its resolution 1995/73 on extrajudicial, summary or arbitrary executions the Commission took good note of the specific situation with regard to this matter in East Timor (E/CN.4/1995/61 and Add.1) and supported a process to end such executions. This is important but not sufficient in view of the large scale of the violations of human rights in East Timor by the Government of Indonesia.

3. After one year of patience the situation on the mass violations of human rights has not improved at all. On the contrary, the Indonesian Government has continued its programmed policy of repression of East Timorese voices claiming their rights. Some examples may illustrate the last statement:

(a) The British Coalition for East Timor reported this year that nine young East Timorese were shot to death by members of Battalion 744 in Dili on 9 January 1995. Three days later, six civilians were executed in the village of Liquica. Although the authorities alleged that the killings had been caused by "guerrillas", this has been proven false. Even a member of the pro-Indonesian Government in East Timor admitted that at that time at least eight people had been murdered by the Indonesian death squads, so-called "ninja" gangs.

(b) A mere suspicion is not reason enough in democratic societies to dismiss people. Nevertheless, 23 civil servants were unfairly dismissed by Dili Governor Soares because they allegedly supported FRETILIN in March 1995. That allegation was not proved.

(c) The announcement by the Indonesian Government of the withdrawal of troops from East Timor is far from being put into practice. According to Indonesian Army official data, there were nine battalions in East Timor at the beginning of 1994, which means 6,000 soldiers approximately. This was after the Indonesian promise of withdrawing some battalions at the end of 1993. Only one was retired and it was almost immediately replaced by other army forces. This is not a real way to reduce the military occupation of the ex-Portuguese colony. The reality is that two new battalions of troops disembarked in Dili in March 1995 (Battalions 643 and 521). This is only another example of the gap between Indonesian international promises and real actions in East Timor.

(d) Students planning to take part in a demonstration at the United States embassy in November 1994 were arrested. They were just exercising their legitimate right to freedom of expression and freedom of assembly. They would not have to face punishment for these actions if Indonesia was fully respecting human rights provisions.

(e) Hundreds of peaceful, presumably opposition party members were arbitrarily detained during 1994 by the Indonesian security forces and at least 26 of them have been sentenced to imprisonment, after political trials held without the necessary procedural guarantees.

(f) According to several reports, the perpetrators of human rights violations enjoy virtual impunity. With very few exceptions those responsible for unlawful killings or disappearances are not prosecuted or convicted.

(g) The practices against basic civil and political human rights are even recognized by Indonesian law. Due to the official ideology "Pancasila", which binds all social organizations and which forbids political parties to

exist between polls, it is not strange that essential rights such as freedom of assembly, expression and conscience are ruled under the Anti-subversion Act.

4. This Act authorizes the detention for one year, which can be prolonged indefinitely by decision of the General Public Prosecutor, of all persons who may be "supposed" to threaten "national security". Under this wide provision, not only have East Timorese independence supporters been imprisoned, but also Muslims criticizing official ideology or workers claiming their right to strike or engage in trade union activity, or farmers opposed to the expropriation of their lands, to mention some of the persons affected.

5. A more detailed list of fundamental human rights violations in Indonesia can be found in the report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary and arbitrary executions (E/CN.4/1994/7).

6. On the other side, the international community may also have its part of responsibility. All economic support and aid to Indonesia should be subject to real compliance with the international human rights instruments throughout the country and in East Timor.

7. For instance, section 502B of the United States Foreign Assistance Act clearly prohibits the granting of security assistance to "any country of which the Government engages in consistent patterns of gross violations of internationally recognized human rights". The United States Congress limited the granting of military training funds to the Indonesian Army in 1992 and 1993 by conditioning it on the achievement of substantial improvement in the field of human rights. However, after talks held last November, the United States Administration requested the Congress to approve $600,000 aid to Indonesia.

8. The United States Government would have to be completely sure that the situation is fair in East Timor and that no new violations are being committed before allowing United States corporations to invest in Indonesia (see the example of Exxon, which recently signed an agreement for gas exploitation with an investment of $35,000 million).

9. Portugese imports from Indonesia increased by one third in 1994 to 7 billion escudos and are likely to increase again in 1995. An economic and capitalistic investment policy without having in mind human rights is perverse.

10. In the light of the aforementioned details, we would kindly recommend the distinguished experts of the Sub-Commission to take the following measures:

(i) To put forward a proposal to the Commission on Human Rights to condemn the Government of Indonesia for its responsibility for the perpetration of the mass violation of human rights and fundamental freedoms.

(ii) To propose that economic and commercial aid granted to Indonesia be strictly conditional upon real respect for the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and General Assembly resolutions 1514 (XV) and 2625 (XXV).

(iii) To put forward a proposal to the Commission on Human Rights that the United Nations establish an immediate presence in East Timor in order to ensure an independent body able to monitor the situation and report reliably on human rights violations, and provide some sort of protection for the threatened population of East Timor.

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